THE INDIAN LIMITATION (AMENDMENT) ACT, 1912.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.
2. Amendment of section 31.
3. Applicability of section 4 of the Indian Limitation Act, 1908.
4. Retrospective effect of section 3.
5. Provision for restoration of suits.
6. Provision for restoration of applications.
7. Third parties protected.

BOMBAY ACT No. XIII OF 1912.[1]

[THE INDIAN LIMITATION (AMENDMENT) ACT, 1912.]

[*29th November 1912.*]

An Act to amend the Indian Limitation Act, 1908.

IX of 1908. WHEREAS it is expedient to amend the [2]Indian Limitation Act, 1908, in the manner hereinafter appearing :

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [3]Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Indian Limitation (Amendment) Act, 1912.

Amendment of section 31. **2.** Notwithstanding anything contained in the [2]Indian Limitation Act, IX of 1908, hereinafter called "the said Act", in computing the period of two years mentioned in section 31 of the said Act in the case of any suit by a mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the XVII of 1879. [4]Dekkhan Agriculturists' Relief Act, 1879, is required the time intervening between the application made by the mortgagee under section 39 of the last mentioned Act, and the institution of such suit shall be excluded, provided that such suit has already been instituted, or is instituted within six months from the commencement of this Act ; and no such suit shall be dismissed on the ground that the certificate was not obtained within the year immediately preceding the filing of the suit.

Applicability of section 4 of the Indian Limitation Act, 1908. **3.** The period of two years mentioned in section 31 of the said Act shall for the purposes of this Act be deemed to be a period of limitation within the meaning of section 4 of the said Act.

Retrospective effect of section 3. **4.** The provisions of section 3 shall be deemed to have come into operation from the seventh day of August, 1908.

Provision for restoration of suits. **5.** (*1*) Where the claim of a mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the [4]Dekkhan Agriculturists' Relief Act, XVII of 1879. 1879, is required has been wholly or in part dismissed or withdrawn after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such claim was so dismissed or withdrawn on the ground that—

(*a*) the time intervening between the application made by the mortgagee under section 39 of the [4]Dekkhan Agriculturists' Relief Act, 1879, and the grant of the certificate under section 46 of the last mentioned Act or the institution of the suit, as the case may be, could not be excluded in computing the period of two years mentioned in section 31 of the said Act, or

XVII of 1879.

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[1] For Statement of Object and Reasons, *see Bombay Government Gazette*, 1912, Part VII, page 536 ; and for Proceedings in Council, *see ibid.*, 1912, Part VII, pages 787 and 866.

[2] Central Acts.

[3] *See* now the Government of India Act, 1935.

[4] *See Supra.*

(*b*) the certificate was not obtained within the year immediately preceding the filing of the suit, or

(*c*) the period of two years mentioned in section 31 of the said Act was not a period of limitation within the meaning of section 4 of the said Act,

the case shall be restored on an application in writing to the Court, by which the claim was dismissed or in which it was withdrawn; provided that such application is made within six months from the commencement of this Act.

(*2*) Where any such claim as aforesaid has been dismissed for failure to prosecute such claim after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such failure was due to the belief that such claim, if prosecuted, would be dismissed for any of the grounds specified in clauses (*a*), (*b*) and (*c*) of sub-section (*1*),

the case shall be restored on an application in writing to the Court by which the claim was dismissed; provided that such application is made within six months from the commencement of this Act.

(*3*) The provisions of sections 2, 3 and 4 shall apply to any case restored under either of the foregoing sub-sections.

Provision for restoration of applications.

6. Any application by the mortgagee under section 39 of the Dekkhan Agriculturists' Relief Act, 1879, in respect of any claim for sale or foreclosure as to which the mortgagee was entitled to the benefit of the two years' period mentioned in section 31 of the said Act, made on or before the eighth day of August, 1910, and dismissed after the twenty-third day of February, 1911, shall be restored to the file of the Conciliator provided that the application for such restoration is made within two months from the commencement of this Act. XVII of 1879.

Third parties protected.

7. Nothing in this Act shall affect the interests of third parties that may have come into existence between the twenty-third of February, 1911, and the twenty-eighth of September, 1912,

BOMBAY ACT No. IV OF 1913.[1]

[THE BOMBAY LAND REVENUE (AMENDMENT) ACT, 1913.]

[*28th May 1913.*]

An Act to amend the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888, and to repeal the Bombay Land Record-of-rights Act, 1903.

Bom. V of 1879. Bom. I of 1880. Bom. VI of 1888. Bom. IV of 1903.

WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888, in manner hereinafter appearing, and to repeal the Bombay Land Record-of-rights Act, 1903;

And whereas the previous sanction of the Governor General required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of section 41 of this Act; It is hereby enacted as follows:—

PART I.

GENERAL.

Short title.

1. This Act may be called the Bombay Land Revenue (Amendment) Act, 1913.

Repeal.

Bom. IV of 1903.

2. The Bombay Land Record-of-rights Act, 1903, shall be repealed.

Previous amending Acts.

3. Wherever this Act amends an enactment which has previously been amended by an Act passed before the commencement of this Act, then any of the provisions of such previous amending Act which may be inconsistent with any of the provisions of this Act shall be repealed to the extent to which they are inconsistent therewith.

4-94. [*Amendments made by sections 4 to 94 both inclusive have been incorporated in the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888.*]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1912, Part VII, page 905; for Report of Select Committee, *see ibid.*, 1913, Part VII, page 28; and for Proceedings in Council, *see ibid.*, 1913, Part VII, pages 56 and 134.

[2] *See* now the Government of India Act, 1935.

BOMBAY ACT No. VII OF 1913.[1]

[THE PRINCE OF WALES MUSEUM (AMENDING) ACT, 1913.]

[*4th October 1913.*]

An Act to amend the Prince of Wales Museum Act, 1909.

Bom. III of 1909.

WHEREAS it is expedient to amend the [2]Prince of Wales Museum Act, 1909, in the manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Prince of Wales Museum (Amending) Act, 1913.

Amendment of schedule.

2. From the area comprised in the schedule to the Prince of Wales Museum Act, 1909 (hereinafter referred to as "the said Act"), the following area shall be excluded, namely:—

All that piece or parcel of land containing by admeasurement 359·52 square yards, be the same a little more or less, of which 275·57 square yards are contained between the outer side of the curve at the North-East angle of the boundary of the site of the Prince of Wales Museum of Western India and lines tangential to the extremeties of the said curve, and the remaining area amounting to 83·95 square yards is contained in an irregular figure projecting outwards from the tangential line of the said curve which runs more or less parallel to Apollo Street, the whole of the said piece or parcel of land with the boundaries thereof being delineated for greater clearness on a plan signed by the Executive Engineer, Presidency District, and a majority of the Trustees of the Prince of Wales Museum of Western India and deposited with the Secretary to Government in the General Department.

Property excluded from schedule to revest in His Majesty.

3. All the estate, right, title and interest of the Trustees of the Prince of Wales Museum of Western India in and to the area excluded from the schedule to the said Act by the last preceding section shall vest in His Majesty.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1913, Part VII, page 107; and for Proceedings in Council, *see ibid.*, 1913, Part VII, page 533.

[2] *Supra.*